

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

As an initial matter, paragraph 2 (at page 2) of the Official Action acknowledges receipt of the claim of foreign priority and certified copies of Japanese Applications 2002-252062, 2002-252063 and 2002-252064 filed on August 29, 2002. However, the present application is based upon and claims the benefit of priority from six Japanese applications, certified copies of each of which was submitted on January 24, 2004. A copy of the postcard acknowledging receipt of the six certified copies is enclosed. Applicants respectfully request the Examiner acknowledge the filing of the certified copies other than the three applications that are listed at paragraph 2 (at page 2) of the Official Action in the next Official Communication (i.e., Japanese Patent Application Nos. 2003-78192, 2003-86215 and 2003-95882).

In the Official Action, the Examiner objects to claim 4 because the recitation of "In information system..." on line 1 thereof should be --An information system....-. In response, claim 4 has been canceled, thereby rendering the objection thereof moot. Accordingly, it is respectfully requested that the objection to claim 4 be withdrawn.

In the Official Action, the Examiner rejects claims 1-15, 22-30 and 32-39 under 35 U.S.C. § 102(b) as being anticipated by JP 409245093A to Sasaki (hereinafter "Sasaki"). Additionally, the Examiner rejects claims 16-21 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Sasaki in view of U.S. Patent No. 6,790,198 to White et al., (hereinafter "White").

Firstly, claims 1-21 have been canceled, thereby rendering the rejections thereof moot.

Secondly, with regard to claims 22-39, Applicants respectfully traverse the Examiner's rejections under 35 U.S.C. §§ 102(b) and 103(a) for at least the reasons set forth below.

Turning now to Sasaki¹, the same discloses a portable nursing job supporting device used for nursing job support. White discloses operating condition data of a medicine infusion pump for supplying a patient with medicine being transmitted to a hospital information management system such that the hospital information system manages the operating condition data.

With regard to independent claim 22, starting data of medical activities and ending data of the started medical activities are treated as separated execution data of medical activities. In regard to this feature, the Examiner indicates paragraph [0020] of Sasaki as disclosing the same. However, such a feature is not disclosed or suggested in the cited paragraph of Sasaki. In addition, such a feature is not disclosed or suggested in either of the Sasaki and White references.

With regard to independent claim 27, an execution of unscheduled medical activities, which is not ordered by the server system, is recorded. In regard to this feature, the Examiner indicates paragraph [0029] of Sasaki as describing setting a scheduled time to follow an instruction having an unsettled scheduled time to be followed. However, the paragraph of Sasaki cited by the Examiner fails to teach or suggest recording an execution of unscheduled medical activities. In addition, such a feature is not disclosed or suggested in either of the Sasaki and White references.

¹ Applicants Note that the Examiner cites Sasaki as JP409245093A in the Office Action which is believed to be an error and should be Publication H9-245093)

With regard to independent claims 32-34 and 37-39, the same include the feature of updating the program of a terminal that inputs or outputs data by executing the program. In regard to this feature, paragraphs [0035] and [003s] of Sasaki describes updating nursing-job related information (patient's room information, staff information, patient information, and the like) and updating nursing instruction information, job schedule information, execution/schedule information. However, such portions of Sasaki fail to describe program updates performed by a terminal. In addition, such a feature is not disclosed or suggested in either of the Sasaki and White references.

With regard to the rejection of claims 1-15, 22-30 and 32-39 under 35 U.S.C. § 102(b), an information system (claims 22, 27, 32-34), server system (claims 37 and 38) and terminal (claim 39) having the features discussed above and as recited in independent claims 22, 27, 32-34 and 37-39, is nowhere disclosed in Sasaki. Since it has been decided that "anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,"² independent claims 22, 27, 32-34 and 37-39 are not anticipated by Sasaki. Accordingly, independent claims 22, 27, 32-34 and 37-39 patentably distinguish over Sasaki and are allowable. Claims 23-26, 28-30, 35 and 36 being dependent upon claims 22, 27 and 34, are thus at least allowable therewith (claims 1-15 being canceled). Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 1-15, 22-30 and 32-39 under 35 U.S.C. § 102(b).

With regard to the rejection of claims 16-21 and 31 under 35 U.S.C. § 103(a), claims 16-21 have been canceled and since independent claim 27 patentably distinguishes over the prior art and is allowable, claim 31 is at least allowable therewith because it depends

² Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

from an allowable base claim. Consequently, the Examiner is respectfully requested to withdraw the rejection of claims 16-21 and 31 under 35 U.S.C. § 103(a).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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